



Greater Hartford Legal Aid

April 1, 2013

Joint Committee on the Judiciary  
Legislative Office Building  
Room 2500  
Capitol Avenue  
Hartford, CT 06106-1591

Re: Rejection of Raised Bill 6661

Dear Judiciary Committee Members:

This office is counsel for the majority of represented tenants in the Hartford Housing Session. We strongly urge you to reject the provisions of the above bill which would significantly change Conn. Gen. Stat. §§47a-26b by denying tenants the opportunity to be heard if they are unable to pay their rent into the court.

Three recent cases handled by our office illustrate the harm that would be caused by this bill. Many of our clients live in subsidized housing in which the calculation of rent is based on income and is subject to complex federal statutes and regulations. It is therefore not unusual for mistakes to be made. In one case the tenant's rent was listed in the eviction complaint as nearly \$800 per month. Upon reviewing the case, we were able to determine that the rent should have been \$288 and that the tenant was in fact entitled to a substantial reduction in the amount allegedly due. The parties were able to come to an agreement to have the tenant pay the actual balance and to retain her housing for herself and her children. Had this bill been in effect, the tenant would have been evicted without any opportunity to present her defense because she could not have paid the rent claimed to be due.

In a second case an elderly tenant's landlord did not pay the water bill. The water company obtained a rent receivership and orders were issued to have the rent paid to the receiver. When our client brought the paperwork to the landlord he was told to ignore them because the landlord had taken care of the problem. This was not true. The tenant continued to pay the landlord and a default judgment was entered against the tenant in an eviction case brought by the receiver. We were able to file a Motion to Reopen the Judgment. Once the court and the receiver heard what had happened the receiver consented to a court order permitting the tenant to remain, provided that he start paying the rent to the receiver. If this bill had been in effect, the tenant would have been unable to even file a Motion to Reopen because he could not afford to pay a month's rent to both the landlord and the court for the same month.

In the third case the tenant who does not speak English received eviction papers claiming nonpayment of rent. She had paid the rent in full, but property manager was applying all her payments to miscellaneous fees, late fees, and other charges and "fines". The tenant paid by check and even if she could have navigated the forms and procedures for filing and objection herself (she

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does not speak English) she might not have been able to get the cancelled checks to prove the payment in time for a hearing.

Tenants can be ordered to make payments into the court under current law. A tenant who does not make a payment is required to file an Answer. The court then requires the parties to go to mediation where over 90% of the cases are resolved. Cases which are not resolved are heard by a Judge.

Raised Bill 6661 would require the entry of a judgment against any tenant who did not make the payment to the court and would eliminate any opportunity for the tenant to present a valid defense for the non-payment. It would also eliminate the opportunity for the parties to have the matter resolved through mediation.

In no other type of case is a defendant required to make payments in order to present a defense. Neither foreclosure defendants nor collection case defendants are required to pay as a condition of either mediation or trial.

The courts have consistently ruled that a tenancy is a property right and property rights can not be terminated without notice and the opportunity to be heard. Such Constitutionally-protected rights do not depend on the ability to pay.

Raised Bill 6661 should be rejected.

Sincerely yours,

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Attorney-At-Law